

STANDARDS COMMITTEE

7 SEPTEMBER 2010

LOCAL GOVERNMENT OMBUDSMAN: ANNUAL REPORT 2009/2010

RICHARD G LONG, DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

PURPOSE OF THE REPORT

- 1 This report is to inform Members of the contents of Local Government Ombudsman's annual letter, which comments on the performance of the Council in respect of complaints to the Ombudsman.

BACKGROUND

- 2 Each year the Ombudsman writes to the Council providing statistics relating to the complaints made against the Council, offering observations on the performance of the Council in relation to Ombudsman complaints, and commenting on general working relationships between the Council and the Ombudsman's office. A copy of the Ombudsman Annual Report for 2009 – 2010 is attached as Appendix 1 to this report.

COMPLAINTS TO THE OMBUDSMAN AND OMBUDSMAN FINDINGS

- 3 Two years ago there were significant changes to the way that the Local Government Ombudsman operates, and the way in which their statistics are presented. This means that direct comparisons over the past few years cannot be made. However, this report compares the last two years' performance with previous years so far as is possible.
- 4 Last year there was a slight decrease in the number of complaints and enquiries to the Ombudsman in respect of Middlesbrough Council compared to the previous year, 2008/2009. A breakdown of complaints over the past 5 years is given in the table at Appendix 2. Members will note that there has been a slight variation each year, with complaints to the Ombudsman typically numbering between 25 and 35. In that respect the number of complaints for last year - 26 - is not unusual, and is within that average.

This is the second year that the Ombudsman Annual Report distinguishes between 'complaints' and 'enquiries'. The Annual Report indicates that contained within the total of 26 contacts were 5 enquiries where advice was given rather than an investigation being required.

- 5 The full breakdown of the 26 contacts with the Ombudsman's office is as follows:
- | | |
|---|-----------|
| Advice given: | 5 |
| Premature Complaints (referred to Council to investigate): | 3 |
| Resubmitted premature complaints forwarded to investigation team: | 5 |
| New complaints forwarded to investigation team: | <u>13</u> |
| TOTAL | 26 |
- 6 Members will note at Appendix 2 that for 2009 - 2010 the Ombudsman has again amended the categories for complaints. Having dropped the separate heading for Adult Care services last report (2008-2009), a separate heading is back in for this report (2009-2010).
- 7 Last year the Ombudsman drew attention to the fact that complaints relating to Children Families & Learning had risen from three to eight. Members will be pleased to note that the number of complaints relating to Children Families & Learning for last year has fallen back from eight to three.
- 8 Last year the Ombudsman made 14 decisions relating to the Council as follows:

Decisions (see Appendix 3 attached)	Maladmin	Local Settlement	No Maladmin	Ombudsman Discretion not to pursue complaint	Outside Ombudsman Jurisdiction	Total
2009/2010	0	2	7	4	1	14
2008/2009	1	4	7	3	3	18
2007/2008	0	1	2	7	6	16
2006/2007	0	3	17	3	4	27
2005/2006	0	4	5	4	2	15
2004/2005	0	9	6	11	2	28

As the above table indicates, this is the lowest number of investigations into complaints against the Council in the past 6 years.

LOCAL SETTLEMENTS

- 9 Local settlements are made when the Council has agreed to settle the complaint to the satisfaction both of the complainant and the Ombudsman. Local settlements usually include payments for compensation and/or 'time and trouble' payments. The fact that there were only two local settlements last year reflects well on the Council, as this indicates that there are few complaints where some sort of settlement was felt, by the Ombudsman, to be necessary to reach a satisfactory resolution.

RESPONSE TIMES

- 10 The Ombudsman requires councils to respond to new enquiries from her office within 28 calendar days. Average response times again reduced significantly last year to 15.3 days.
- 11 Bringing response times down was seen as a priority the year before last, having been criticised by the Ombudsman in her 2007-2008 annual report. Members will be pleased

to note that for last year the Council's response times were at their lowest for the past five years

Response Times	First Enquiries	
	No of first enquiries	Average no of days to respond
2009/2010	9	15.3
2008/2009	5	21.8
2007/2008	5	30.0
2006/2007	10	25.7
2005/2006	14	22.8

NEW OMBUDSMAN POWERS RELATING TO STATE SCHOOLS

- 12 Although not contained in the Ombudsman's Annual Letter, Members might wish to note the new powers of the Local Government Ombudsman in respect of state schools.
- 13 At present the Local Government Ombudsman can consider complaints relating to:
- school transport services
 - special educational needs
 - student support
 - school admissions
 - permanent exclusions from a school
- 14 Complaints that relate to parent and pupil that remain unresolved through individual schools' complaint procedures must, at present, be referred to the Secretary of State for consideration.
- 15 The Ombudsman's power to investigate complaints is now being extended to consider parent and pupil complaints about state schools. At present this is only operating in a small number of pilot areas round the Country (Barking and Dagenham, Cambridgeshire, Medway and Sefton councils). However, it is anticipated that by September 2011 the new power of the Ombudsman to deal with parent and pupil complaints will be extended to all state schools in England. When this is fully implemented the Secretary of State will no longer consider complaints about schools.

SUMMARY AND CONCLUSIONS

- 16 The number of complaints and enquiries to the Ombudsman reduced last year, and is at the lower end of average annual figures for our Council.

There were no findings of maladministration against the Council, and in respect of only two complaints investigated it was felt necessary for the Council to make a local settlement with the complainant.

The Council's Corporate Complaints Procedure appears to be effective and robust, and most complaints relating to Council services are dealt with internally and to the satisfaction of the complainant (as noted in the Complaints report also on today's agenda).

The Ombudsman notes in her report that the reduction in response times is an "excellent effort and the Council is to be congratulated on its continuing efforts to meet my) time targets".

RECOMMENDATIONS

17 Members are asked to note and approve the report.

BACKGROUND PAPERS

The Local Government Ombudsman: Annual Letter for the year ended 31 March 2010

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COMPLAINTS AND ENQUIRIES MADE TO THE OMBUDSMAN REGARDING MIDDLESBROUGH

2004/2005 – 2009/2010

Enquiries and Complaints by subject area	Education	Transport and Highways	Housing	Benefits	Public Finance incl Local Taxation	Planning & Building Control	Adult Care Services	Children Families & Learning	Other	Total
2009 - 2010	2	2	2	1	0	3	1	3	12	26

Enquiries and Complaints by subject area	Education	Transport and Highways	Housing	Benefits	Public Finance incl Local Taxation	Planning & Building Control	Children Families & Learning	Other	Total
2008 - 2009	1	3	3	1	1	5	8	12	34

Complaints by service area	Education	Transport and Highways	Housing	Benefits	Public Finance incl Local Taxation	Planning & Building Control	Adult Care Services	Children Families & Learning	Social Services - other	Other	Total
2007 - 2008	0	5	2	1	5	4	1	3	0	9	30
2006 - 2007	1	1	3	2	1	7	1	1	0	7	24

Complaints by subject area	Education	Highways	Housing	Housing Benefit	Local Taxation	Planning	Social Services	Other	Total
2005/2006	1	3	11	1	2	3	5	8	34
2004/2005	2	2	5	0	1	4	1	10	25

Ombudsman Decisions: Notes

Maladministration

Where the Ombudsman has undertaken and concluded an investigation and issued a formal finding of Maladministration causing injustice.

Local Settlement

Decisions by letter discontinuing an investigation because action has been agreed by the Council and accepted by the Ombudsman as a satisfactory outcome for the complainant.

No Maladministration

Decisions by letter discontinuing an investigation because no, or insufficient, evidence of maladministration has been found.

Ombudsman Discretion

Decisions by letter discontinuing an investigation in which the Ombudsman has exercised discretion not to pursue the complaint, most commonly because no, or insufficient, evidence of maladministration has been found.

Outside Ombudsman Jurisdiction

Complaints which the Local Government Ombudsman has no power to investigate

Premature Complaints

Usually where a complaint is made to the Ombudsman before the Council has had the opportunity to process it through the internal Corporate Complaints Procedure